

TENNESSEE STATE BOARD OF EDUCATION		
EMPLOYEE HEALTH		5400
ADOPTED: July 28, 2017	REVISED:	MONITORING: Review: Annually

Generally. All authorized charter schools shall provide a sanitary environment and shall establish routines for handling bodily fluids that are recommended by appropriate health professionals.ⁱ Each school shall adopt and advise personnel of routine procedures to follow in handling bodily fluids. These procedures shall provide simple and effective precautions against transmission of diseases to persons potentially exposed to the blood or bodily fluids of another. These procedures shall be standard health and safety practices. No distinction shall be made between bodily fluids from individuals with a known disease and individuals without symptoms or with an undiagnosed disease. The administration of the authorized charter school shall develop, in consultation with medical personnel, a regulation to be distributed to all staff. Training and appropriate supplies shall be available to all personnel including those involved in transportation and custodial services. In addition to insuring that these health and safety practices are carried out on a school-wide basis, special emphasis shall be placed in those areas of school operation that potentially present a greater need for these precautions.

HUMAN IMMUNODEFICIENCY VIRUS (HIV) AND ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)

Liability and Nondiscrimination. No employee of an authorized charter school who is living with HIV or AIDS shall be prevented from continuing his/her employment. No disciplinary action may be taken by an authorized charter school against an employee solely on the basis of HIV status. Action may be taken against an employee only if the employee is disabled and the disability interferes with their ability to perform his/her employment duties. The governing board of the authorized charter school shall make reasonable accommodations to enable the employee to perform employment duties as may be required by state or federal law.ⁱⁱ

HIV Testing. No school official can require any employee to undergo an HIV antibody test or other HIV-related test. This does not preclude school officials from requiring an employee to undergo an examination when another communicable illness is suspected.ⁱⁱⁱ

Confidentiality. If information is received regarding an employee's HIV status, an authorized charter school may consult with the school attorney on the appropriate course of action to pursue, bearing in mind the school's potential liability for defamation, employment discrimination, and breach of confidentiality requirements.^{iv} Information about an employee's HIV status is not to be documented in the employee's personnel file and shall not be faxed or emailed.^{1,3} Information obtained is confidential and may not be released to anyone except³:

- (1) Persons named on an Authorization for Release of Confidential HIV-Related Information Form;
- (2) Persons listed on a court order; and
- (3) Persons authorized to receive such information without a release or court order.

Under no circumstances shall information identifying an employee living with HIV be released to the public.

HEPATITIS B

Confidentiality and Nondiscrimination.^v In all instances, school personnel shall respect an individual's right to privacy and treat any medical diagnosis as confidential information. The school shall initiate procedures to ensure that all medical information will be held in strict confidence. Any school staff member who violates confidentiality shall be subject to appropriate disciplinary measures. Under no circumstances shall information identifying an employee with Hepatitis B (HBV) be released to the public.

Safety. Employees of an authorized charter school who are at high risk of occupational exposure shall be identified and provided with personal protective equipment, including HBV vaccinations. Employees considered to be at high risk shall include custodians, school nurses, special education teachers and instructional assistants, playground supervisors, coaches, and physical education teachers. When any employee is known to have been exposed to HBV on the job site, the employee shall be notified immediately by a supervisor, and the charter school governing board shall provide vaccinations. The school shall ensure that an accident report is filed for all accidents. The report shall include the employee's name, date of the accident, an explanation of the accident, and the care used in treating the individual. These reports shall be kept on file in the school office for a minimum of one (1) year.

Legal References:

ⁱ 29 C.F.R. § 1910.1030

ⁱⁱ State Board Policy No. 5.300, HIV/AIDS Policy for Employees and Students of Tennessee Public Schools
Revised, August 18, 2005

ⁱⁱⁱ 29 C.F.R. §1630.13(b)

^{iv} T.C.A. § 68-10-113

^v T.C.A. § 68-10-113

Cross References:

Americans with Disabilities Act, Section 504, and
Individuals with Disabilities Education Act 1802